G R S App I IX 4]

194 2-

File No 119-41

Previous References
NL III 41-162

(NL)

Serial Nos 122, 123, 124, 138, 246, 245,

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 6

Part B for April 43

SUBJECT

Construction of a balcony by a municipal Councillor, Bangalore city

Re NL Cmr Bglre city's L 10070 of 10.4.43 Records the correspondence

214

ಪೌರವಾಣಿ

POURA VANI A Fortnightly Devoted to problems of Citizenship

BANGALORE CITY

GEN & REV SECT 1984/L
L & G BRANCH

Rl 119-41-122

EDITOR
M N Seetharamayya

Date 18th Feb 1942

SECY LAW DEPT. 24 FEB 1942 MYSORE

To
The Law Secretary
Government of Mysore
Bangalore

Sir,

It is my painful duty to draw your kind attention to an unconstitutional act of the Bangalore City Municipal Council namely the passing of an illegal resolution no 18 dated 14 2 42 regarding the unauthorised construction of a balcony and projection by Shri T Gangadharaswamy, a municipal Councillor from the IV Ward Dn

The relevant Sections in this matter are Sec 135(1) of the Municipal regulation and Sec 138(1) 48(1) D of the byelaws,

Copies of 'Pouravani', the relevant portions of which have been marked in red have also been enclosed herewith

On a perusal of the Rules framed in this behalf You will be pleased to see

1) That no permission for a balcony Etc can be given in Streets which are less than 20 feet The Road in question is only 17 feet

2) Even in roads which are more than 20 feet, (up to 30 feet) not more than 2½ feet projection can be allowed while those in question are 4 feet

Submitted with a draft letter for approval

2 Imperial Secretariat

Law Secy 4/3/42

3 Hm 5-3-42

GOVT LAW DEPT 4 MAR 1942 GOVT OF MYSORE

To The Secretary to Govt, Revenue Department

No. F 8127 Dt 9-3-42

Calls for a detailed report

General and Revenue Secretariat

4984 ✓ 6034 ✓ 6365 ✓ 6483.

File No of 194 [App F III—2

Serial No

From the Ml Commr, Berh. thro PDs
No A4 858/41-42 Dy 23-4-42.
Forwards the Report called for
The report submitted by the Ml Comm is subt for perusal & orders

16/8/45

The whole question presents pretty interesting aspects, which are at the same time significant

1 The original papers on which the Commr passed orders of demolition are said to be missing

2 A sharp difference of opinion between the Cl & the Commr the Commr Could have reported his case to Govt then only

3 The Ml Cl have held that the projection is only a Chajja & not a balcony The Comm has taken off the irregularity from the orbit of the Bye-laws

7 It is not clear how Govt Could interfere at this stage

A Reference also invited to the linked file

NOTE—Contn Sheet

W D 01155—G1 B—55 000—9 10 41

Construction of a balcony by a Mcl Councillor,
3) Bangalore city — in dispute —
4984 ✓ 6034 ✓ 6365 ✓ 6384 6483

Mcl File No 6483 of 1941/42 — General and Revenue Secretariat

Serial No

for the petition of One Mr. Satyanarayana Setty threatening action against the Mcl Cl.

9 It is however for Consideration of the question may not be asked to be placed before the Mcl Cl again for their views

8/5 10, pl put up with Mcl 111-41-2

2/5 reply to an P U D from 2/5/42

11 Sent with the file referred to above

11/5 4/5

12 The facts of the case have been explained by the Municipal Commissioner in P U D which is for perusal

13 Unless the Municipal Commissioner is authorised by the Municipal Council, he cannot order the demolition of such unauthorised projections under Section 135, as his powers are restricted in regard to this section under the proviso (a) to section 245 of the City Municipalities Act The Municipal Council have however resolved that the Municipal Commissioner may exercise this power, subject to the previous consent of the Municipal Council in each case In view of this resolution, Govt cannot interfere in the matter

14 The other point is whether the resolution in question permitting Mr Gangadharaswamy to put up a chajja up to a width of 4 feet may be construed as ultra vires

15 Under Section 135 it is laid down that the Munici-

Construction of a balcony by a municipal Committee Bhiwani — dispute (4

General and Revenue Secretariat — File No 1 Gl 1 — of 1941 — [App Form 2

Serial No

Municipal Council may give written permission, for projecting balconies, may fix in bye-laws from time to time and to an extent not exceeding four feet beyond the plinth or basement wall Under this section the maximum width of the balcony is fixed at 4 feet In the bye-laws, the width of the balcony is fixed with reference to the width of the streets Under bye-law 9 (b), in streets which are not less than 15 feet in width, permission may be given to put up weather-boards, etc not exceeding 2½ feet in breadth, & if the streets are more than 30 feet wide, 3-feet boards may be allowed In this case, it is reported that the street varies between 17 and 21 feet and according to the bye-laws, only a chajja or balcony of 2½ feet may be allowed

16 It is stated that a chajja is just a sort of sunshade or weather-board and that it could be allowed by the Municipal Committee up to 4 feet according to section 175. Under the section, the maximum is 4 feet in width but it is restricted by the bye-laws referred to above If it is conceded that according to the Act, the Municipal Council could allow 4 feet width of balcony, whatever fabrics by way of sunshades might be, then the bye-laws would become inoperative, and the resolution seems to offend the bye-law in question This fact will have to be pointed out to the Municipal Council The Law Section may be consulted,

SECY LAW DEPT 388 5 MAY 1942 GOVT OF

Law Secy for 4/5/42

17) The bye-law is not inconsistent with the Act which fixes the maximum of 4 feet As long as the bye-law is in force, the Municipal should act according to it The Resolute

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10 41

Construction of a balcony by a municipal Councillor. Municipality in dispute 6483

Rd File No 119 L-1183/1 of 1941 — General and Revenue Secretariat

Serial No

Offends the bye-law no 10 and hence becomes illegal The Resolution may be vetoed

18) This will be pointed out to the Municipal Council

19) The Commissioner may place the question of demolition before the MI CL and take action

DEWAN OFFICE 18 MAY 1942 No 10,073

Minister (L.S.G.) Hm 7/5/42 from

20) Hm 12.5.42

Hm 13/5/42

D/W pl 17/5/42

21) Submitted with a draft letter for approval

OFFICE OF THE MINISTER FOR L.S.G. & P.H. Date 8.5.1942 No 6990

SECY LAW DEPT (J&L) 15 MAY 1942 GOVT OF INDIA

14/5 Lawyer) 14/5/42

14/5 22) for perusal

Dewan) Hm 16/5/42 from

23) MM 20/6/42

TYPING SECTION

Cms 21-5-42

Issue 21/5/42

6483
L

General and Revenue Secretariat ml File No 119 of 1941-42 [App F III-2

Serial No 138

To The ml Commr, Bcsf, thro DSO
No L 11188 Dy 22.5.42
Issues instructions in the matter

Mus B
Dy 30/5

24) call for report within 3 days from the Comdt after the action taken on his g o 22.5.42
Ack
22.7.42
Cancs
22-7-42

OFFICE OF THE MINISTER
FOOD, LSG & PH
Date 22 JUL 42
No 8241

25) xxx draft letter attnd
Dy 7/8

26) Submit with a draft letter, for a/s/c
Dy 27/7
27) Done attnd
Dy 7/8

To The ml Commr, Bcsf
No L 829 Dy 22.7.42
Requests him to submit the report of action taken within three days.

Mus A

28) Report called for has not been received submit with a DO reminder for a/s/c
Dy 25/7
29) Done
25.7.42
Issued No L 1098 Dy 27.7.42

NOFL—Cont Sheet

WD C41 5—GPB— 000— 10 41

Construction of a balcony by a municipal
Councillor – Breach – in
dispute

ml File No 204 V 659
119 of 194 1/42

General and Revenue Secretariat

Serial No

From the ml Commr, Bdg
No A4. 858/42-43 – dt 25-7-42 –
States that the subject has been referred
to the Bye Law Committee & the
~~Commr~~ has been requested to take up the
matter for early disposal & that a
report of final action will be submitted
for information of the Govt in due course.
Submitted with reference to para 4 supra –
1) Report of action taken will
be awaited

Law Secy's L 2924 – 32

SECY LAW DEPT 1140 29 JY 1942 GOVT OF MYSORE

Cus 29/7/42

OFFICE OF THE MINISTER FOR L S G & P H Date 30-7-42 No 1072

Minister L S G

33) 30/7/42

Cus 30-7-42

Sec A 31/7

34) A draft reminder is put up

35) 13/10/42

Joined in L 4218 dt 20/10/42 15/10/42

Sec A 21/10

Letter No A4 858/41 dt 5-3-43 from the ml Commr, Bdg forwarding a copy of the resolution of the ml Cl dt 26-10-42 to the effect that the party himself

Construction of a balcony by a Mil Councillor, Bcy

659 √ 533 √ 5587

General and Revenue Secretariat — Mil File No 119 of 1941/42 — [App. F. III-2

Serial No

has lessened the width of the balcony to 2½ ft. the papers may be filed

3½) Kind reference is invited to the Note appended by the PS while forwarding the letter of the Mil Commr & also the Plan enclosed.

1119/43

37) Submitted with reference to Para 24 supra

LLG 18/3

Lawdegy for 18/3/43

Jan Pmusal

OFFICE OF THE MINISTER FOR L S G & P H Date 23 3 43 No. 7832

Mun Dec 2 SG

Cus 19-3-43 Pmn

Jan 2 4 43.

Cus 3-4-43 Pmn

Submitted for orders whether the papers may be filed

LLG 6/4

Pl put up a draft for recovery

Pmn 6/4/43

1208 7/4/43 HUSONE

Submitted with a draft Go for appl

LLG 7/4

Lawdegy for 7/4/43

TYPING SECTION - 8 APR 1943 GEN & PER SECT

245

To Mc Mil Commr, Bcy, the PS Cus

No L 10070 Dy 10/4-43 7-4-43

Records the Correspondence Issue

Pmn 7/4/43

NOTE—Cont Sheet 28/4

WD 141 5—GPB—55 000—23-10-41

File No. of 194

General and Revenue Secretariat

Serial No

Appendix F G—1]

SUBJECT

Section ML
File No 119—41
Serial No 123

Diary No of letter replied to

No L8127/Gen 1

To The ml Commr, Bcly, Thod

General and Revenue Secretariat

( )

the *19*

Sir,—

I am directed to forward herewith a copy of letter dated the 18th Feb 1942 received from the Editor, Powr Va Bangalore city, requesting the grant of a license, for the construction of a balcony to Mr Gangadharaswamy a ML Councillor of the city and to request you to be so good as to forward the connected records together with the letter

Date of issue 9/3

Signed by T S [illegible] for Secretary to Govt

First of enclosures

Copied by

Examined by detailed report

and
[illegible] a copy of the resolution
of the meeting referred to herein
Copies of the Powers of
Containing the objects are also
sent herewith for reference
and return

Thanking you

Yours very truly

[illegible]

6034/L

BANGALORE CITY MUNICIPALITY

No A4 858/41-42

MUNICIPAL OFFICES

Bangalore 8th April 1942

Encl

GEN & REV SECRETARIAT
10 APR 1942
L S G BRANCH

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

DEPT
GOVT OF MYSORE

To

H V Narayana Rao, Esq, B A, LL B,
Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department, Bangaloke

Sir

With reference to your letter No L 8127/M1 dated 9-3-1942 calling for a detailed report together with the connected records, regarding the grant of a license for the construction of a balcony to Mr T Gangadharaswamy, Municipal Councillor of this Municipality, I have the honour to state that some of the connected papers have been mislaid in the Revenue Office and that the concerned official is placed under suspension until he traces them The matter is being investigated and in the meanwhile action is being taken to build up the records afresh detailed report in the matter will be submitted shortly

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments

Honorary President

3104/13 4 42

If approd, the report in the matter to be awaited

13/4

SVS

OFFICE OF THE MINISTER
FOR L S G & P H
Date 14 4 1942
No 6385

For perusal of the above report

Law Secy 13/4/42

For perusal

Minister 14/4

Hon 14/4/42

Hon 17/4/42

17/4/42

6365/L

BANGALORE CITY MUNICIPALITY

No A4.858/41-42.

Encl ~~One file with pharist.~~ Four

MUNICIPAL OFFICES

Bangalore 23rd April 194 2

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

H. V. Narayana Rao, Esq, B.A., LL.B.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT BANGALORE

SIR

In continuation of this office letter No A4 858/41-42 dated 9-4-1942, regarding the grant of a license for the construction of a balcony to Mr. Gangadharaswamy, Municipal Councillor of this Municipality, I have the honour to state that at first, the party applied for permission to put up two chajjas to his building in Basettipet, Cubbonpet Cross Road, Bangalore City, and went on constructing the same without obtaining necessary permission therefor As the width of the road at the place varied from 17 to 21 feet, the projections put up to a width of 3' 11" and 4' were ordered to be restricted to a width of 2½' only as per Bye-laws. Further, I wanted to have the above unauthorised construction demolished ard issued orders to the Health Officer to limit the chajja to a width of 2½ feet only. This paper is now missing.

At this stage, it was stated that the powers under Section 135 of the Mysore City Municipalities Act, 1933, regarding the grant of permission for putting up certain projections were not delegated to the Municipal Commissioner by statute under Section 245 and that the proviso to that Section expressly restricts the powers of the Municipal Commissioner with regard to Section 135. Records relating to the delegation of the said powers to the Commissioner were searched for and were not readily traceable. This power was, however, being so far exercised by the several Commissioners in the past

In the above circumstances, my order to demolish the unauthorised construction was withdrawn and a detailed note was placed before the

the Council for delegating the powers under the Section referred to above to the Commissioner and for ratifying the action taken by the several Commissioners in the past. The records relating to the above case were also placed before the Council for their decision in the matter. The matter was referred to the Commissioner for a report though my report was in the file. It was stated in reply that the facts of the case had already been explained in detail in the note referred to above and that there was nothing more to be added to it. The subject was then deferred for some time and it was finally resolved by the Council on 14-2-1942 that they had powers under the Mysore City Municipalities Act to permit projections of the kind up to a width of 4 feet and that the projections put up by the party might be permitted and that suitable ground rent be levied as per rules.

I may also mention here that the Council declined to empower the Commissioner to act under Section 135 and resolved that the Commissioner might exercise the powers, with the previous consent of the Council in each case. Copies of my note and the Council resolution on the point are enclosed for the information of Government.

Extracts of Section 135 (1) of the said Act re: the powers of the Municipal Council relating to the external structures, etc , and that of the relative bye-laws framed by the Municipal Council and approved by Government in their order No.L 780-82/Ml.111-41-2 dated 30-7-1941 are enclosed herein for favour of reference. As per above bye-laws, a projection of only 2½ feet width is allowed in streets which are not less than 15 feet in width. In the present case, the projections put up as per detailed plan (enclosed) measure 4 feet in width and the Council have resolved that the projections of 4 feet width put up unauthorisedly by the Municipal Councillor Mr. Gangadharaswamy, may be allowed. This resolution of the Council is not in accordance with the

with the Bye-laws (Vide copy enclosed).

The records were then sent to the Revenue Officer to get the necessary ~~&~~ lease deed executed and to recover the rent due from the party as resolved by the Council. It is reported by him that the papers have been mislaid by the concerned clerk of his office. The clerk states that the papers were submitted to the Revenue Officer with a memo as instructed by him and that they were not received back from him and that they are not traceable. The explanation of the then Revenue Officer, Mr. T. Madhava Rau, was also called for in the matter. He states that the statement of the clerk is not correct. The clerk is placed under suspension pending further enquiry in the matter.

Records have, however, been completed with the help of drafts in the Health Office and by getting fresh plan of the area prepared and are enclosed for perusal. Copy of the application of the party is not however available.

The entire file of records relating to the subject and copies of the 'Pouravani' containing the same received with your letter No.L.8127/41. dated 9-7-1942 are also sent herewith for reference and return when done with

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments.

Municipal Commissioner.

Honorary President.

Advance Copy Enclosures will follow

svs.

Mysore City Municipalities Act, 1933

(4) POWERS REGARDING EXTERNAL STRUCTURES, ETC.

Permission necessary for certain projections.

135. (1) The Municipal Council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

x x

-- oOo --

"Extract"

Municipal Commissioner.

svs.

BYE-LAWS

III REGARDING THE PROJECTIONS OVER PUBLIC STREETS.

-- oOo.--

9. (a) No weather-board, sun-shade shop-board or any other projections shall be allowed in any street which is less than 15 feet in width.

(b) In streets which are not less than 15 feet, in width permission may be granted for the putting up of weather-boards, sun-shades, shop-boards, etc., not exceeding 2½ feet in breadth.

10. In streets which are more than 30 feet wide, the weather-boards, sun-shades, shop-boards,etc., may be not more than 3 feet in width.

11. The weather-boards,etc , shall always be of non-inflammable material like zinc sheets or asbestos cement sheets.

12. The fees for weather-boards,etc., for every half-year payable in advance shall be as follows -

One rupee for every whether-board,etc., not exceeding 2½ feet in width and 10 feet in length or fraction thereof.

Two rupees for every weather-boards,etc., not exceeding 3 feet in width and 10 feet in length or fraction thereof.

13. The weather-boards, sun-shades,etc., shall not be less than 8 feet high from the plinth of the building or surface of the streets.

14. Any breach of this Bye-law will, on conviction, subject the offender to a penalty not exceeding Rs.5/- for the first offence and Rs.10/- for each subsequent offence.

-- oOo --

"Extract"

Municipal Commissioner.

svs.

BANGALORE CITY MUNICIPALITY.

--·oOo --

Proceedings of the Meeting of Council dated 22-12-1941.

Urgent Subject No.4.-

Delegation of power under Section 135 of the M.C.M. Act of 1933, to the Municipal Commissioner.

-

Mr. L.S. Raju moved that powers under Sec.135 of the Mysore City Municipalities Act of 1933 may be exercised by the Commissioner with the previous consent of the Council in each case.

Mr. M.A. Gopalaswami Iyengar seconded.

Resolution·-

A p p r o v e d .

Sd/- W.H.Hanumanthappa,
Hon President.

-- oOo --

"C o p y"

Municipal Commissioner.

svs.

Note.

Delegation of power under Section 135 of the M.C.M.Act of 1933, to the Municipal Commissioner.

Section 135 of City Municipalities Act, 1933 relates to the powers regarding external structures such as putting up of projections and removal of projections (open verandahs, balconies,etc.)

Under Section 245,-"Powers of the Municipal Commissioner and limitations", this ~~Section~~ Section, 135, is however delegated by statute to the Commissioner with a proviso that the power shall not be exercised by the Commissioner except subject to the general or special orders of the Municipal Council or in the absence of such orders with the previous approval of the Municipal Council.

A note was prepared by the then Municipal Commissioner and placed before the Council to delegate, among other things, the powers under Section 135 of the Mysore City Municipalities Act of 1933. This note came up before the Council at its meeting held on 14th November 1933 and it was deferred.

In 1934, there were the general elections and the subject was not somehow taken up for consideration.

However, several Municipal Commissioners have continued exercising the powers under Sec.135 of the Municipal Act, 1933 Probably powers under this Section were delegated at some time and the several Commissioners have hitherto exercised them. But, we cannot lay our hand on the specific unicipal resolution vesting power under Section 135 with the Commissioner. Projections of this nature are of every day occurrence and the sanction of the Municipal Council cannot always be awaited for each case. Unauthorised projections will have to be removed almost immediately.

It is therefore requested that the matter be placed before the Council at its next meeting for delegating the powers under Section 135 of the Mysore City Municipalities Act of 1933 to the Municipal Commissioner. It is also requested that action taken by the Commissioner hitherto under this Section may kindly be ratified by the Council.

"C o p y"

Sd/- A.A. Khan,
Municipal Commissioner

&c Municipal Commissioner.

BANGALORE CITY MUNICIPALITY

No A4 858/41-42

MUNICIPAL OFFICES

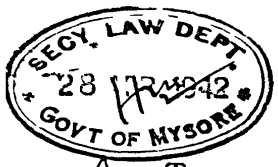
Encl One file with pherist

Bangalore 23rd April 194 2

6483

HL 6483

From



ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

HL 119-41-124

To

H V Narayana Rao, Esq, B A, LL B,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

SIR

In continuation of this office letter No A4 858/41-42 dated 9-4-1942, regarding the grant of a license for the construction of a balcony to Mr Gangadharaswamy, Municipal Councillor of this Municipality, I have the honour to state that at first, the party applied for permission to put up two chajjas to his building in Basettipet, Cubbonpet Cross Road, Bangalore City, and went on constructing the same without obtaining necessary permission therefor As the width of the road at the place varied from 17 to 21 feet, the projections put up to a width of 3' 11" and 4' were ordered to be restricted to a width of 2½' only as per Bye-laws Further, I wanted to have the above unauthorised construction demolished and issued orders to the Health Officer to limit the chajja to a width of 2½ feet only This paper is now missing

At this stage, it was stated that the powers under Section 135 of the Mysore City Municipalities Act, 1933, regarding the grant of permission for putting up certain projections were not delegated to the Municipal Commissioner by statute under Section 245 and that the proviso to that Section expressly restricts the powers of the Municipal Commissioner with regard to Section 135 Records relating to the delegation of the said powers to the Commissioner were searched for and were not readily traceable This power was, however, being so far exercised by the several Commissioners in the past

In the above circumstances, my order to demolish the unauthorised construction was withdrawn and a detailed note was placed before the

the Council for delegating the powers under the Section referred to above to the Commissioner and for ratifying the action taken by the several Commissioners in the past The records relating to the above case were also placed before the Council for their decision in the matter The matter was referred to the Commissioner for a report though my report was in the file It was stated in reply that the facts of the case had already been explained in detail in the note referred to above and that there was nothing more to be added to it The subject was then deferred for some time and it was finally resolved by the Council on 14-2-1942 that they had powers under the Mysore City Municipalities Act to permit projections of the kind up to a width of 4 feet and that the projections put up by the party might be permitted and that suitable ground rent be levied as per rules

I may also mention here that the Council declined to empower the Commissioner to act under Section 135 and resolved that the Commissioner might exercise the powers with the previous consent of the Council in each case Copies of my note and the Council resolution on the point are enclosed for the information of Government

Extracts of Section 135 (1) of the said Act re the powers of the Municipal Council relating to the external structures, etc , and that of the relative bye-laws framed by the Municipal Council and approved by Government in their order No L 780-82/M1 111-41-2 dated 30-7-1941 are enclosed herein for favour of reference As per above bye-laws, a projection of only 2½ feet width is allowed in streets which are not less than 15 feet in width In the present case, the projections put up as per detailed plan (enclosed) measure 4 feet in width and the Council have resolved that the projections of 4 feet width put up unauthorisedly by the Municipal Councillor Mr Gangadharaswamy, may be allowed This resolution of the Council is not in accordance with the

with the Bye-laws (Vide copy enclosed)

The records were then sent to the Revenue Officer to get the necessary ~~d~~ lease deed executed and to recover the rent due from the party as resolved by the Council It is reported by him that the papers have been mislaid by the concerned clerk of his office The clerk states that the papers were submitted to the Revenue Officer with a memo as instructed by him and that they were not received back from him and that they are not traceable The explanation of the then Revenue Officer, Mr T Madhava Rau, was also called for in the matter He states that the statement of the clerk is not correct The clerk is placed under suspension pending further enquiry in the matter

Records have, however,been completed with the help of drafts in the Health Office and by getting fresh plan of the area prepared and are enclosed for perusal Copy of the application of the party is not however available

The entire file of records relating to the subject and copies of the 'Pouravani' containing the same received with your letter No L 8127/M1 dated 9-3-1942 are also sent herewith for reference and return when done with

I have the honour to be,
S i r,
Your most obedient servant,

Forwarded with compliments

K Hammantharao

Honorary President

Municipal Commissioner

svs

Extract of Section 135 of the Act as adopted

(4) POWERS REGARDING EXTERNAL STRUCTURES, ETC

Permission necessary for certain projections

135 (1) The Municipal Council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets

x x

-- oOo --

"Extract"

Municipal Commissioner

SVS

~~Buildings~~

Extract of Bye-laws

III REGARDING THE PROJECTIONS OVER PUBLIC STREETS

-- oOo --

9. (a) No weather-board, sun-shade, shop-board or any other projections shall be allowed in any street which is less than 15 feet in width

(b) In streets which are not less than 15 feet, in width permission may be granted for the putting up of weather-boards, sun-shades, shop-boards, etc , not exceeding 2½ feet in breadth

10 In streets which are more than 30 feet wide, the weather-boards, sun-shades, shop-boards, etc , may be not more than 3 feet in width

11 The weather-boards, etc , shall always be of non-inflammable material like zinc sheets or asbestos cement sheets

12 The fees for weather-boards, etc , for every half-year payable in advance shall be as follows -

One rupee for every whether-board, etc , not exceeding 2½ feet in width and 10 feet in length or fraction thereof

Two rupees for every weather-boards, etc , not exceeding 3 feet in width and 10 feet in length or fraction thereof

13 The weather-boards, sun-shades, etc , shall not be less than 8 feet high from the plinth of the building or surface of the streets

14 Any breach of this Bye-law will, on conviction, subject the offender to a penalty not exceeding Rs 5/- for the first offence and Rs 10/- for each subsequent offence

-- oOo --

"Extract"

Municipal Commissioner

SVS

Note

Delegation of power under Section 135 of the M C M Act of 1933, to the Municipal Commissioner

---

Section 135 of City Municipalities Act, 1933 relates to the powers regarding external structures such as putting up of projections and removal of projections (open verandahs, balconies,etc)

Under Section 245, "Powers of the Municipal Commissioner and limitations", this ~~Section~~ Section, 135, is however delegated by statute to the Commissioner with a proviso that the power shall not be exercised by the Commissioner except subject to the general or special orders of the Municipal Council or in the absence of such orders with the previous approval of the Municipal Council

A note was prepared by the then Municipal Commissioner and placed before the Council to delegate, among other things, the powers under Section 135 of the Mysore City Municipalities Act of 1933 This note came up before the Council at its meeting held on 14th November 1933 and it was deferred

In 1934, there were the general elections and the subject was not somehow taken up for consideration

However, several Municipal Commissioners have continued exercising the powers under Sec 135 of the Municipal Act, 1933 Probably powers under this Section were delegated at some time and the several Commissioners have hitherto exercised them But, we cannot lay our hand on the specific Municipal resolution vesting power under Section 135 with the Commissioner Projections of this nature are of every day occurrence and the sanction of the Municipal Council cannot always be awaited for each case Unauthorised projections will have to be removed almost immediately

It is therefore requested that the matter be placed before the Council at its next meeting for delegating the powers under Section 135 of the Mysore City Municipalities Act of 1933 to the Municipal Commissioner It is also requested that action taken by the Commissioner hitherto under this Section may kindly be ratified by the Council

"C o p y"

A A Khan

Municipal Commissioner

Sd/- A A Khan,
Municipal Commissioner

svs

No.15/41

Minutes of the Proceedings of the adjourned Ordinary General Meeting of the City Municipal Council, Bangalore, held on Monday the 22nd December 1941 at 5 p.m. in the Council Chamber of the City Municipal Offices, Bangalore.

-- oOo --

Present

M. P. Hanumanthappa, Esq.,

Honorary President.

Messrs.

1. V. K. Govindarajulu, B.A., B.L.
2. Ramalal Thiwari
3. D. S. Raju, M.A. (Hons.), B.L.
4. G Nanjappa
5. K. Hanumanthiah, B.A., LL.B.
6. K.N. Ramaswamy, B.A.
7. K. Shamaraja Iyengar, B.A.
8. H.R. Guruv Reddy, B.A., LL.B.
9. M.A. Gopalaswami Iyengar, M.A., LL.B.
10. M.K. Narayana Iyengar, B.A., B.L
11. H.C. Suryanarayana Rao
12. S.N.M. Razvi
13. V. Chikkayellappa

Absent

Messrs.

1. R. Subbanna
2. N. Kesavaiengar, B.A., B.L.
3. V. Venkataramanappa
4. T. Gangadharaswamy
5. B. Narasimhiah
6. V. Venkataswami Chetty
7. K. Ganga Setty
8. M.R. Honnappa, B.A., B.L.
9. B. Subbiah, B.Sc., LL.B.
10. Kote Kamakshiah Setty
11. O.S. Nasarulla Sheriff, M.A., LL.B.
12. Mirza M Azizulla Beig
13. A.J. Khaleel, B.A., B.L.
14. M. Royan, M.D.
15. Vacant.
16. -do-

-- oOo --

BANGALORE CITY MUNICIPALITY

-- oOo --

Proceedings of the Meeting of Council dated 22-12-1941

Urgent Subject No 4 -

Delegation of power under Section 135 of the M C M Act of 1933, to the Municipal Commissioner

-

Mr L S Raju moved that powers under Sec 135 of the Mysore City Municipalities Act of 1933 may be exercised by the Commissioner with the previous consent of the Council in each case

Mr M A Gopalaswami Iyengar seconded

Resolution -

A p p r o v e d

Sd/- W H Hanumanthappa,
Hon President

-- oOo --

"C o p y"

Municipal Commissioner

svs

L 11188

mL 119-41-138

22

Law Departme

The Municipal Commissioner,

Bangalore City,

(Through the President, Bangalore Cimunicipal

Sir,

With reference to the correspondence ending wipour No.A4.858/41-42 dated 23rd April 1942 regarding the t license to Mr. Gangadharasrary, a Municipal Councillor, 5 construction of two chajjas to his building in Basett, Cubbon- pet Cross Road, Bangalore City, I am directed to state ollows:-

Under Section 135 of the Mysore City Municipal Act 1933, it is laid down that the Municipal Council may gi itten permission to the owners or occupiers of buildings in p streets to put up open verandahs, balconies or rooms projecting any upper storey thereof, at such height from the surface o street as the Municipal Council may fix by bye-laws from time t and to an extent not exceeding four feet beyond the plinth or be wall and may prestribe the extent to which and the condit which roofs, eaves, weather-boards, shop-boards and the lik be allowed to project over such streets. Under this Sectio maximum width of the balcony is fixed at four feet. In the laws regulating such structures, the width of the balcony is with reference to the width of the streets to which such struc

be built, under Bye-law No.9 (b) in streets which are
a15 feet in width, permission may be given to put up
an etc., not exceeding 2½feet breadth and if the streets
30 feet wide, 3 feet structures may be allowed. In
t street in which the balcony is built is found to vary
17 l 21 feet and according to the Bye-laws in force, only
a balcony of 2½ feet could be allowed.

I to observe that the Bye-la/ is not inconsistent with
l fixes the maximum of 4 feet that as long as the
force, the Municipal Council should act according to
herefore the resolution of the Municipal Council dated
1942 on the subject offends the Bye-law No.10 and
illegal.

regards the demolition of the structure in question
according to the Bye-laws as pointed out above, I am
that the matter may be placed before the Municipal
necessary further action taken.

ne records accompany.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd/-)
for Secretary to Government
Law Department.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 22/5/42

Signed by [illegible]

List of enclosures

Copied by

Examined by

Section ml

File No 119-41

Serial No 138

No L. 1188 with recon

To The

The ml Commr, Bangr. thro' D&S

Sirs,

With reference to ~~your~~ the correspondence ending with your letter no A4 858/41-42 dt 23-4-42 re the construction of a balcony by Mr Gangadharaswamy, a municipal Councillor, I am directed to state as follows —

Under section 135 of the City Metres Act 1933, it is laid down that the ml cl

granting a licence for the erection of balcony as shown in the enclosed sketch

may give written permission
to the owners or occupiers of buildings
in public streets to put up open
Verandahs, balconies or rooms
to project from any upper Storey
thereof, at such height from
the surface of the street as the
Mcl may fix by bye laws
from time to time and to an
extent not exceeding four feet
beyond the plinth or basement
wall & may prescribe the extent
to which and the conditions on
under which roofs, eaves,
weather-boards, Shop-boards
& the like may be allowed to
Project over such streets
Under this section, the maximum
width of the balcony is fixed
at four feet. In the Bye laws regulating such structures
the width of the balcony is fixed

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

With reference to the width of the Streets, Bye-law No 9 (b), in which are not less than 15 ft in width, permission may be given to form eaves, - boards etc, not exceeding 2½ ft in breadth & if the Streets are more than 30 feet wide, 3 feet may be allowed. In this case the Street in which the balconys in front may vary between 17 & 21 feet any according to the Bye-laws in force, only a Chajja or balcony of 2½ feet could be allowed.

I am to observe that the Bye-law is not inconsistent with the Act which fixes the maximum of 4 feet, that as long as the Bye-law is in force, the

WD 0282—GPB- 22 500—14 3 38

Council
Therefore
I have the honour to act accordingly as
that the resolution of the meeting dated 7th 2.42 on the subject
offends the Bye-laws No 10 &
hence becomes illegal.
~~This aspect may be~~
~~pointed out to the meeting~~
As regards the question
~~demolition of the building~~ structure in question which is not—
~~is beyond the powers~~ according to the by-laws as pointed
~~of the Committee~~ the matter I am to request that
may be placed before the meeting
and necessary further
action taken, accompany
the records I have etc

for Hon'ble 16/5/42
Secy to Govt
Hon'ble Law Dept
14/5

14/5

Appendix F G—1]

SUBJECT

Immediate

Section ml

File No

Serial No

Diary No of letter replied to

No L 829

To

The ml Commr, Bcty-

Date of issue 22/7/42

General and Revenue Secretariat

( )

the *19*

Signed by Mr S RR

Sir,

I am directed to

invite reference to this

office letter no L 11188 B

dtd 22.5.1942 issuing orders

ml 119-41-138

in the matter of the Construc-

-tion of a balcony by Mr

T. Gangatharaswamy,

a ml Councillor of the

City ml, & am to

request you to be

so good as to submit

List of enclosures

Copied by

Examined by

WD 086—GPB—40 000—30 7 40

within three days a report of
the action taken in the
matter ~~as~~ regarding treat as immediate
the matter
Shaw etc
for
Lor Secy to Govt
Civil Deptt
24/7

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

Dy No L 1098

General and Revenue Secretariat

( )

the *19*

To The Dear Sir,

I am desired to invite reference to this office letter No L 829 dy 22-7-42 calling for a report, within three days, on the matter of the construction of a balcony, to Mr T. Ganapatharaswamy, Bar Councillor of the city and to request you to expedite the submission of the same report called for therein

Date of issue 27 7 42

Signed by Dy Regr Rao

List of enclosures

Copied by

Examined by

Yours Sincerely

Asst

27/7/42

WD 086—GPB—40 000—30 7 40

To The Mr Commr Bldgs

by name

27/7/42

BANGALORE CITY MUNICIPALITY

659/L

No AZ-858/42-43 MUNICIPAL OFFICES

Encl One

Bangalore 24 July 1942

GEN & P.V SECT.
28 JULY 1942
L S G BRANCH

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

SEOY LAI DEPT
28 JULY 19
GOVT OF MYSORE

To

C Narayanaswamy Naidu, Esq, B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

SIR

With reference to your letter No L 829/M1 dated 22-7-42 calling for a report of action taken in connection with the unauthorised construction of a balcony by Mr Gangadharaswamy, I have the honour to state that the subject has been referred to the Bye-law Committee by the Council at their meeting held on 23-6-42, vide copy enclosed for kind reference

The Chairman of the Bye-law Committee has been requested to take up the matter for early disposal A report of final action taken will be submitted for the information of the Government, in due course

I have the honour to be,
Sir,
Your most obedient servant,

A A Khan

Municipal Commissioner

mlt

Bargalore City Municipality

Proceedings of the meeting of Council dated 23-6-42

13 Letter No L 11188/M1 119-41-138 dated 22-5-42 from the Law Secretary regarding the construction of chajja by Mr T Gangadharaswamy

Mr V Y Govindarajulu observed that while the Council had felt that it was within its powers to sanction the construction, the Government had given the rule a different interpretation and since this involved a matter of law, it may be referred to the Bye-law Committee

Mr Y I Ramaswamy seconded it

Resolution - Approved

Sd V Venkataswamy Chetty
Vice President

"Copy"

Municipal Commissioner

mlt

Appendix F G —1]

SUBJECT Construction of a balcony by a municipal Councillor, Bangalore city

Section Jud

File No 119-G/41

Serial No —

Diary No of letter replied to

No L 4218

To

General and Revenue Secretariat

( )

the *194*

The Municipal Commissioner,

Bangalore city

Date of issue 20/10/42

Sir,

Signed by for K M N

I am directed to invite reference to the correspondence ending with ~~your~~ your letter No A 4-858/42-43 dt 25/9/42 on the above subject, and to request that ~~the~~ a report of final action taken in the matter may be submission of this ~~expedited~~

I have etc

for Law Secy

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

BANGALORE CITY MUNICIPALITY

2533/L

No A4-858/42-43

MUNICIPAL OFFICES

Encl One

Bangalore 22nd October 1942

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

C.I & P.L. Sec.
21 OCT 1942
L S G BRANCH

SECY LAW DEPT

To

C. Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT, BANGALORE

SIR

With reference to your letter No L 4218/M1 119-41 dated 20-10-1942, in the matter of submission of the report of final action taken with regard to the construction of a balcony by the Municipal Councillor, Mr T Gangadharaswamy, I have the honour to state that the subject was first placed before the Council who referred it to the Bye-law Committee for opinion. The Bye-law Committee has passed a resolution (a copy of which is herein enclosed for reference which has been placed before the Council which meets on the 26th October 1942 The resolution of the Council in the matter will be communicated to you in due course

I have the honour to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

Submitted for perusal This will be placed in the Connected file which is at Head quarters

MLT

Receipt of further reply with the resolution of the Mc el will be awaited

MB 25/10.

Yet for 26/10

SMA 31/10

GS

Extract from the proceedings of the Bye-law Committee Meeting held on Wednesday, the 29th July 1942 at 5 P M ,

---

Subject No 3 -

Council resolution dated 23-6-1942 referring the letter from Government regarding the construction of Chajja by Mr T Gangadharaswamy

---

Resolution -

A balcony is not a mere projection. Section 135 of the Mysore City Municipalities Act makes a distinction between open verandha, balconies and rooms on the one hand and ordinary projections such as shop-boards, weather-boards etc , on the other

The maximum width of a balcony or verandha or room has been provided in the Act itself and has not been - left to be regulated in the bye-laws The intention of the legislature, therefore, appears to be that the Council should decide each case on its individual merits subject to the maximum width prescribed on the Act

The Bye-laws as framed by the Municipality in regard to projections do not seem to cover the cases of open verandhas, balconies or rooms None of them makes any reference to these Nor has any bye-law been framed to regulate the construction of such structures

The Committee is, therefore, of the opinion that the resolution of the Council is not contrary to the Act or the rules or bye-laws made thereunder in regard to - open verandhs, balconies or rooms within the meaning of Section 135 of the Act

The subject under consideration is not a matter - with respect to which the sanction, approval or consent of the Government is required And no appeal lies to the Government against the decision of the Council under - Section 135 of the Mysore City Municipalities Act It is open to any person aggrieved by the decision of t h e Council to institute a suit in court of Law In fact, in the case under reference, a ratepayer had given a -

formal notice to the Municipality of his intention to contest the matter in a civil court. Under these circumstances the Government should have merely referred the petition of the Editor "Pouravani" to the Council for proper disposal and should have refrained from ~~expressing~~ an opinion on the merits of the case In the opinion of the Committee the action of the Government is clearly unwanted

"Copy"

MUNICIPAL COMMISSIONER.

To ksm.

BANGALORE CITY MUNICIPALITY

No A4-858/41-

Encl 3 mlt

MUNICIPAL OFFICES

Bangalore 29th January 1943
15th March 1943

GEN & REV SECRETARY 558 1 MAR 1943 L S G BRANCH

FROM

ABDUL AZIZ KHAN ESQ B A
MUNICIPAL COMMISSIONER
Bangalore City

16/3/43

ml 119-41— 244

To

C Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT, BANGALORE

SIR,

In continuation of this letter No A4-858/41 in the matter of the construction of a balcony by Mr T Gangadharaswamy, Municipal Councillor, Bangalore City, I have the honour to state that the opinion of the Bye-law Committee (copy already sent) was placed before the Municipal Council held on 26-10-1942, and that they have approved the opinion of the Bye-law Committee with certain observations (copy of which is enclosed for kind information) On the resolution of the Municipal Council a report was called for from the Municipal Engineer He has reported along with a sketch that the party has lessened the width of the balcony to $2\frac{3}{4}$' as against $2\frac{1}{2}$' as resolved by the Municipal Council A Copy of the plan is herein enclosed for kind information

I have the honour to be,

Sir,

Your most obedient servant,

Municipal Commissioner

2

mlt Forwarded with Compliments One further report called for from the Municipal Engineer, it was reported that the above balcony becomes 2 ft 8 inches at one end and 2 ft 9 inches at another end hence the breadth of the balcony was reduced after

P T O

original construction, this is
edge load to be protected on
different of a few inches, may
be overlooked therefore.

V.K. Ramadoss
Hon Secretary
12/3/43

BANGALORE CITY MUNICIPALITY

Proceedings of the Meeting of Council dated 26-10-1942

---

38 Opinion of the Bye-law Committee dated 29-7-1942 regarding the construction of chajja by Mr T Gangadharaswamy (This was referred by the Council for consideration of a point of law)

Mr V K Govindarajulu moved that the opinion of the Bye-law Committee may be approved and while doing so, he observed that when the Government received the reference from the private party, they aught to have sent it to the Municipality for disposal, instead of which they had decided the issue themselves It was better if the executive sent up a detailed report to Government while sendingthis resolution of the Council as to the state of the existing chajja at present Before the executive could take any action as directed by the Government, the party himself has lessened the width to $2\frac{1}{2}$ feet as desired by Government and as previously sanctioned by the Municipality So the whole papers may be filed in the case

Mr R Subbanna seconded the above

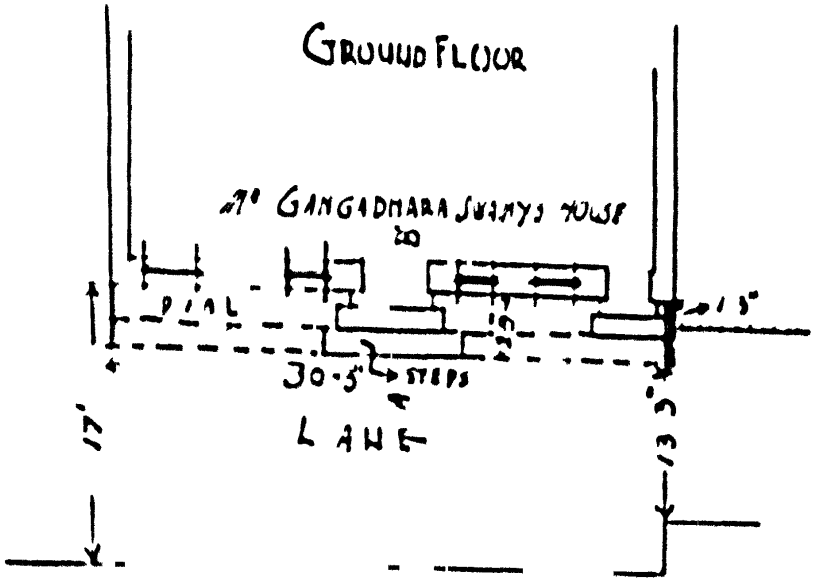
Resolution - Approved

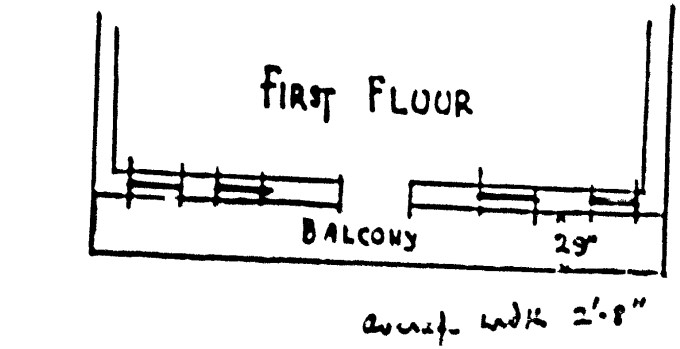
Sd V Venkataswamy Chetty,
Honorary President in charge

"Copy"

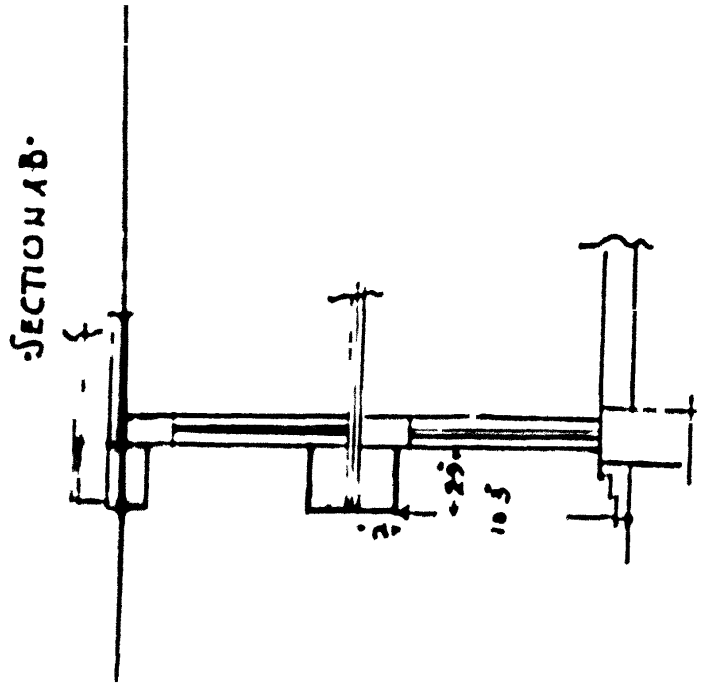
Municipal Commissioner

mlt





avail. width 2'-8"



DENOTES THE BALCONY IN QUESTION

SCALE 8'to1"

(SD) C R Acharya
11/1/94
SUB-OVERSEER

(SD) B P Surendra
RANGE OFFICER

MUNICIPAL ENGINEER

No. 9/42

Minutes of the Proceedings of the Adjourned General [illegible] City Municipal Council, Bangalore, held on [illegible] at 12 Noon in the Council Chambers of the [illegible]

Present

V Venkataramana Chetty, Esq.,
PRESIDENT IN THE CHAIR

Messrs.	Messrs
1. V K. Govindaraju'u, B A , B L ,	6 [illegible]
2 R. Subbanna	7 [illegible]
3 T Ganapathiramaiah	8 [illegible]
4 K [illegible]	9 [illegible]
5 [illegible]	10 [illegible]

Absent

Messrs	Messrs
1. [illegible]	9 [illegible]
2 Ramalal Thilwari	10 [illegible]
3 L [illegible]	11 [illegible]
4 V Venkataramanappa	12 [illegible]
5 [illegible]	13 [illegible]
6 [illegible]	14 [illegible]
7 [illegible]	15 [illegible]
8 [illegible]	16 V Chikkanarayanappa
	17 [illegible]
	18 [illegible]
	19 K Bhaskaraja Iyengar, B A

G R S App F VI—G 2

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 10/4 19

Signed by

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

To Meml Commr Bdg

Section Ml

File No 119-41

Serial No 215

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Correspondence ending with letter No A4-858/41 dt 15-3-43 from the Ml Commr for the City of Bangalore regarding the matter of the construction of a balcony (chajja) by Mr T. Gangadhara Swamy, Municipal Councillor of the City

Order No 100470

Recorded

Cus 7/4

Sec to Govt

Law Dept

WB 7/4

List of Enclosures

Copied by

Examined by

WD 03696—GPB—30,000—2 2-40

GRS III—3]

6034 / 6142 / L

ROUTINE NOTES

[To be used only for notes requisitions, etc , not intended for permanent record]

A copy of the petn dated 10 4 42 addressed to the hnl Commr & city from K T Sathyanarayana setty stating that, if the constitution of a balcony by Mr T Ramgadka Swamy hnl councillor, is not removed by the city hnl ch, he will file a suit against the decision of the said hnl ch in the matter stated. A report has been recd from the hnl Commr in this respect and it is before the Member L S & (D No 6034) 9f offhand, the return of the file is awaited

16/4 Nos may be subd on file for perusal

16/4

Law Secy

Hon Chief Jus

Hon Chief Jus

SECY LAW DEPT 3 APR 1942 GOVT OF MYSORE

Subd

N B —*Should routine notes be written on small slips the notes must be copied or slips pasted on this form*

WD 05639—36 000—GPB—20 3 40

From,

Sri.K J.Sathyanarayana Set ty
Shri Shanthanarda Stores,
No.603 Visweswarapuram
Bangalore City,

To

The Bangalore City Municipal Council,

Bangalore City.,

Dear Sir,

In connection with the Council Resolution passed on 14th February 1942 in respect of item No.18 (deferred subject o2 dated 27-1-42) relating to the question of construction of a Chajja by Mr.T.Gangadharaswami, a Municipal councillor of the IV Division. I beg to issue the following notice in my capac ty as a citizen of the Bangalore city.

(1) On the 14th February 1942 the proceeding of the Council show that the construction of the Chajja has been permitted and suitable ground rent be [illegible] as per rules.

(2) I beg to state that under By-laws duly framed by the Bangalore City Municipal Council and approved by Government the construction of the Balcony and projection in question, especially by a Municipal councillor of the Council, is wholly illegal and the act of the Council in permitting the said construction is ultra vires or its powers and liable to be set aside in a court of law.

(3) I invite attention to Chapter III, Bye-Law No.9(b) of the Bye-Laws framed for regulating the conditions under which permission for temporary structures on public streets and approved by Government in their Order No.L.780-82-Ml. 111-41 dated 30-7-41. The maximum extent in breadth to which the Chajja can be permitted, if at all, is 2½ feet and the particular Chajja in question is also the balcony exceed 3½ feet in breadth.

(4) I am also reliably informed that the entire proceedings in connection with the construction of the Chajja and also the balcony by the Councillor Mr.T.Gangadharaswari are wholly illegal and an abuse of his status as a Municipal Councillor. It appears that at fir t not even a license was obtained for the said construction and later an attempt was made for a sort of rectification to an illegal act.

6142/L

GEN & REV SEC
14 APR 1942
L S U L

(5) In any event, the Council can have no powers to ratify or sanction any illegal act which is ultra vires of its own bye-laws and rules. I thereforegive this notice under Section 201 of the Bargalore City Municipal Act that if the said illegal construction is not removed by the Municipal Council within two months from date hereof, I shall be compelled to file a suit in my capacity as one of the citizens of Bangalore City in a competent civil cour for a declaration that the Resolution of the uniciral Council is illegal and for cancellation thereof, and for such other relief or reliefs incidental to such declaration and cancellation and that the Municipal Council will be responsible for all costs and consequences thereof.

Yours Faithfully,

K J Sanjeevamma Sctty

10/4/42

SECY LAW DEPT
GOVT OF STATE

Copy submitted to the Secretary, Law Department, Government of Mysore Bangalore for favour of information and needful action in the matter.

yours faithfully

K J Sanjeevamma Sctty

204/L

To

The Municipal Commissioner,
City Municipality,
Bangalore.

Sir,

In connection with your letter No D.O.A4-858 of 41-42 dated 10-6-1942, I wish to inform you that I am proceeding against the Municipality in a court of law in two days regarding the unauthorised ~~Balcony etc.~~ construction of a Balcony etc by Sri T.Gangadharaswamy Municipal Councillor.

Thanking you,

Yours faithfully,

K S Satyanarayana Setty

Bangalore City,
7th July 1942

SECY LAW DEPT
GOVT OF MYSORE

Copy forwarded to the Law Secretary Government of Mysore, Bangalore and also the copy of the reply received from the Municipal Commissioner, Bangalore City.

OFFICE OF THE MINISTER FOR L S G & P H
Date 20.7.42.
No 677

TRUE COPY

D O A4-858/41-42

Office of the Municipal Commissioner,

Dated Bangalore 10th June

Dear Sir,

With reference to your letter dated 11-4-42, addressed to the Bangalore City Municipality, regarding the Chajjaput up by Mr T Gangadharaswamy Municipal Councillor, Bangalore City Municipality, I write to state that the Municipal Council have sirce taken up the matter and have sought legal advice about the point at issue The matter is receiving the immeidate attention of the Council and necessary action will be taken as soon as a decision is arrived at by the Council on the legal opinion furnished

It is hoped that the subject will be brought before the council at its next meeting and you will fortwith be informed of its decision

Yours truly,

Sd Ananiappa

For Municipal Commissioner,

Sri K-J-Satyanaraya Setty
Shri Shantananda Stores
No 603 Visvesvarapuram,
Bangalore City